

REMARKS

Claims 1-26 are currently pending. Claims 1-26 are believed to be in condition for allowance and such favorable action is respectfully requested. Claims 1, 2, 10-12 and 23-25 have been rejected. Claims 3-9 and 26 have been objected to as being dependent upon a rejected base claim. However, the Examiner stated that claims 3-9 and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13-22 have been allowed.

The Examiner rejected claims 1, 2, 10-12 and 23-25 under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 1,977,013 to Robb, hereinafter ("Robb"). Applicant respectfully traverses these rejections and hereby requests reconsideration.

The Examiner, in rejecting claim 1, simply summarily states that it is rejected because it is "anticipated by Robb." The Examiner does not make any attempt to identify how the elements claimed in claim 1 are present in the device disclosed in Robb. For Example, Applicant's claim 1 requires a first plate and a second plate. Examiner has not indicated the structure in Robb that meets Applicant's claimed limitation of the first and second plates.

Further, the Examiner, in rejecting claim 1, states that Robb discloses "a first plate member having an opening 3 therethrough" and "a second plated member coupled with the support member, the second plate member having a kingpin 1 extending downwardly from a lower surface thereof." Applicant respectfully disagrees with the Examiner's characterization of the elements in Robb.

As disclosed in Robb, the specification states that "[t]he fifth wheel C carries adjacent to one end portion thereof, the king pin 1, seen best in the reversed position in Figure 3. At the rear end of the fifth wheel, as shown in Figures 1 and 4, a female coupling device is

provided....” (page 1, lines 97-103). As best seen in FIGS. 2 and 3, the fifth wheel C of Robb is coupled to the trailer A. In both Figures, the top surface of the fifth wheel C is flush with the lower surface of the trailer frame plate 16. In FIG. 2, the king pin 1 extends downwardly from the lower surface of the fifth wheel C and is received in female fifth wheel coupling means D. In FIG. 3, however, the fifth wheel C has been rotated 180° and the king pin 18 of the fifth wheel coupling device F extends upwardly and is in contact with the female coupling device 3 of the fifth wheel C. As such, the female coupling device 3 is located on the lower surface of the fifth wheel C. Thus, both the downwardly extending kingpin 1 and the female coupling device are located on the same surface or plate of the fifth wheel C.

Therefore, Robb does not disclose a first plate having an opening therethrough for receiving a portion of a kingpin and a second plate having a kingpin extending downwardly therefrom, as required by Applicant’s claim 1. In contrast, Robb discloses the opening and the extending kingpin located on the same surface or plate, namely, the bottom surface or plate of the fifth wheel C. As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Robb does not include the limitation of a first plate having an opening therethrough for receiving a portion of a kingpin and a second plate with a kingpin extending downwardly therefrom and, thus, does not include all of the limitations contained in claim 1. Therefore, Applicant submits the rejection of claim under §102 based on Robb is improper and should be withdrawn. Such action is respectfully requested.

Additionally, claim 1 includes the recitation of “a first plate member having an opening therethrough for receiving a portion of the kingpin of the trailer.” Robb, however, does

not disclose a trailer with a kingpin extending therefrom. As best seen in FIGS. 2, 3, and 6, Robb discloses a central axis journal member 10 that extends upwardly from fifth wheel C and is rotatably coupled to trailer A. See, page 1, Lines 116-119. Accordingly, Robb does not disclose a first plate member with an opening for receiving a kingpin. In contrast, Robb discloses an upwardly extending central axis journal member 10 for rotatably coupling the fifth wheel C to the trailer. Thus, Robb does not include all of the limitations contained in claim 1 and the rejection thereof under §102 based thereon is improper and should be withdrawn. Such action is respectfully requested.

Applicant submits that claims 2-12, which depend from independent claim 1, are also allowable, at a minimum, by virtue of their dependence from an allowable base claim. Applicant further submits that these claims are independently patentable by virtue of their containing additional limitations which are not found or suggested in the art of record. For example, claim 3 requires a clamp member with first and second portions and a means for drawing the portions together and a portion of the kingpin. Such limitation is not taught or suggested by the prior art. Such favorable action is respectfully requested.

Claims 13-22 have been allowed.

The Examiner also rejected claim 23 under 35 U.S.C. 102(b) as being clearly anticipated by Robb. The Examiner, in rejecting claim 23, simply summarily states that it is rejected because it is "anticipated by Robb." The Examiner does not make any attempt to identify how the method claimed in claim 23 is present in the device disclosed in Robb.

Claim 23 contains the limitations of "providing an offset coupler device having a body portion including an upper surface with an opening therein" and "receiving the kingpin of the trailer in the opening of the offset coupler." As stated above Robb does not disclose either of

these limitations. In contrast, as shown in FIGS. 2 and 6, Robb discloses a central axis journal member 10 that extends upwardly from the fifth wheel to permit the fifth wheel to be rotatably coupled to the trailer. Thus Robb does not disclose an upper surface with an opening that receives the kingpin of a trailer and, thus, does not include all of the limitations contained in claim 23. Accordingly, the rejection of claim 23 under §102 based on Robb is improper and should be withdrawn. Such action is respectfully requested.

Applicant submits that claims 24-26 which depend from independent claim 23, are also allowable, at a minimum, by virtue of their dependence from an allowable base claim. Applicant further submits that these claims are independently patentable by virtue of their containing additional limitations which are not found or suggested in the art of record. For example, claim 25 requires coupling of the offset coupler with the trailer via a clamp member with first and second portions that clamp the kingpin of the trailer therebetween. Such limitation is not taught or suggested by the prior art. Such favorable action is respectfully requested.

In summary, Applicant submits that claims 1-26 are in condition for allowance. Such favorable action is respectfully requested. In the event the Examiner finds anything of a nature necessary to place this case in condition for allowance, the Examiner is courteously requested to telephone the undersigned attorney at (800) 821-7962.

Respectfully submitted,



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